

# EXHIBIT D

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DECLARATION OF BRIAN F. DAVIS

I, BRIAN F. DAVIS, declare as follows:

1. I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters stated herein.

2. I am a Defendant in a Nevada state court action styled *Sean Claggett & Associates LLC dba Claggett & Sykes Law Firm et al. v. Don C. Keenan et al* (Case No. A-21-843639-C).

3. I am the attorney of record for Logan Erne in the Nevada state court action styled *Logan Erne v. Marilyn Abel et al.* (Case No. A-18-773499-C) (the “Erne Matter”).

4. This declaration is submitted in support of Defendants Brian F. Davis’ and Davis Law Group’s Opposition to Plaintiffs’ Motion to Remand (the “Opposition”).

5. Mr. Erne signed a Medical Malpractice Contingency Fee Agreement with Claggett & Sykes on May 31, 2017. Mr. Erne, Claggett & Sykes, and I signed a Joint Representation and Fee-Split Agreement. The Fee Split Agreement “incorporates by reference the Claggett & Sykes Contingency Agreement with [Mr. Erne]...” True and accurate copies of these agreements are attached to the Opposition as Exhibit “A.”

6. Plaintiffs allege in this case that I was part of a conspiracy with the other Defendants to have Plaintiffs Claggett & Sykes fired as Mr. Erne’s counsel in the Erne Matter. Plaintiffs also allege that I intentionally interfered with the Contingency Fee Agreement between Claggett & Sykes and Mr. Erne.

7. Plaintiffs allege that I had communications with Defendants Don Keenan and Travis Shetler in furtherance of an alleged conspiracy to have Claggett & Sykes fired as counsel in the Erne Matter.

8. Mr. Erne terminated Claggett & Sykes on May 15, 2020. I never had any discussions or other communications with Mr. Shetler at any time about terminating Claggett & Sykes. Mr. Shetler had no influence or involvement in the decision to terminate Claggett & Sykes.

9. Mr. Keenan never instructed me or asked me to fire Claggett & Sykes as counsel

in the Erne Matter.

10. The first time I spoke with Mr. Shetler about the Erne Matter generally or about acting as counsel in the Erne Matter was between May 18, 2020 and May 22, 2020.

11. I have reviewed Exhibit “E” of the Opposition and attest that it is a true and accurate copy of correspondence that Claggett and Sykes sent to Davis Law Group on July 21, 2021.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Executed on January 28, 2022.

*Brian F. Davis*

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BRIAN F. DAVIS